



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SAIDAH R. OCAMPO,

:

Plaintiff,

:

13 Civ. 5284 (AJN) (HBP)

-against-

:

REPORT AND  
RECOMMENDATION

POLICE OFFICER JOHN DOE, et al.,

:

Defendant.

:

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PITMAN, United States Magistrate Judge:

TO THE HONORABLE ALISON J. NATHAN, United States  
District Judge,

The pro se plaintiff commenced this action on July 25, 2013 by filing a summons and complaint. On October 18, 2013, I issued an order directing plaintiff to file an amended complaint substituting the true name of defendant "Police Officer John Doe"<sup>1</sup> and to contact Assistant Corporation Counsel Rosemari Y. Nam to determine whether the Office of the Corporation Counsel will accept service on behalf of defendant Anthony Batista. I also extended the deadline for completion of service until January 31, 2014. On February 11, 2014, I issued another order

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<sup>1</sup> By letter dated October 17, 2013, the City of New York provided plaintiff with the true name of the individual identified in the complaint as Police Officer John Doe.

directing plaintiff to file her amended complaint by March 21, 2014 and cautioned plaintiff that if she did not file the amended complaint, the action would have to be dismissed. Specifically, my February 11, 2014 Order provided:

ORDERED that plaintiff has until March 21, 2014 to file an amended complaint providing the true name of the John Doe defendant and to complete service of the summons and complaint on defendant or to show good cause in writing why those tasks have not been completed. **If plaintiff fails to complete service and fails show good cause for her failure to do so on or before March 21, 2014, I shall issue a Report and Recommendation recommending the dismissal of this action for failure to prosecute.**

(Emphasis in original.)

Copies of both my October 18 and February 11 Orders were mailed to plaintiff at the address provided when she commenced this action -- the only address plaintiff ever provided to the Court. The copy of my October 18 order which was mailed to plaintiff has been returned as undeliverable.

To date, plaintiff has not filed her amended complaint and has not contacted my chambers or the Court in any way. Accordingly, I respectfully recommend sua sponte that this action be dismissed with prejudice on the ground that plaintiff has abandoned her claims and failed to prosecute this action.

OBJECTIONS

Pursuant to 28 U.S.C. § 636(b)(1)(C) and Rule 72(b) of the Federal Rules of Civil Procedure, the parties shall have fourteen (14) days from the date of this Report and Recommendation to file written objections. See also Fed. R. Civ. P. 6(a) and 6(e). Such objections (and responses thereto) shall be filed with the Clerk of the Court, with courtesy copies delivered to the chambers of the Honorable Alison J. Nathan, United States District Judge, Room 2102, 40 Foley Square, New York, New York 10007 and to the chambers of the undersigned, Room 750, 500 Pearl Street, New York, New York 10007. Any requests for an extension of time for filing objections must be directed to Judge Nathan. FAILURE TO OBJECT WITHIN FOURTEEN (14) DAYS WILL RESULT IN A WAIVER OF OBJECTIONS AND WILL PRECLUDE APPEL-LATE REVIEW. Thomas v. Arn, 474 U.S. 140 (1985); United States v. Male Juvenile, 121 F.3d 34, 38 (2d Cir. 1997); I.U.E. AFL-CIO Pension Fund v. Hermann, 9 F.3d 1049, 1054 (2d Cir. 1993); Frank v. Johnson, 968 F.2d 298, 300 (2d Cir. 1992); Wesolek v. Canadair Ltd., 838 F.2d 55, 58 (2d Cir. 1988); McCarthy v. Manson, 714 F.2d 234, 237-38 & n.2 (2d Cir. 1983).

Dated: New York, New York  
May 15, 2014

Respectfully submitted,

  
HENRY PITMAN  
United States Magistrate Judge

Copies mailed to:

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